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Attorneys for Defendants
CITY OF LOS ANGELES, LOS ANGELES POLICE DEPARTMENT, DETECTIVE
RICHARD ULLEY and DETECTIVE JOHN VANDER HORCK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARCO MILLA an individual,
Plaintiff,

v.

CITY OF LOS ANGELES a municipal
entity; LOS ANGELES POLICE
DEPARTMENT, a municipal entity;
DETECTIVE R. ULLEY AND
DETECTIVE J. VANDER HORCK, and
DOES 1 through 100, inclusive,
Defendants.

Case No. 16-cv-00134-FWS-MRW

**DEFENDANTS' [PROPOSED]
LIMITING INSTRUCTION**

PTC: June 16, 2023
TIME: 9:00 a.m.
DEPT: Courtroom 10D
JUDGE: Hon. Fred W. Slaughter
TRIAL: May 16, 2023

1 The parties were unable to agree on a joint proposed limiting Jury Instruction
2 related to the potential admission of evidence, as addressed in the Court's ruling on the
3 parties' Motions *in Limine*. Therefore, attached please find Defendants' submission.
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5 Dated: June 15, 2023

Respectfully submitted,

ORBACH HUFF + HENDERSON LLP

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7 By: /s/ Kevin E. Gilbert

8 Kevin E. Gilbert

9 Carolyn M. Aguilar

Attorneys for Defendants

10 CITY OF LOS ANGELES, LOS ANGELES

11 POLICE DEPARTMENT, DETECTIVE R.

12 ULLEY and DETECTIVE J. VANDER HORCK
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ORBACH HUFF + HENDERSON LLP

Proposed Jury Instruction

Limited Purpose of Evidence of Criminal History and/or Gang Activity

Evidence has been introduced regarding Plaintiff's criminal history prior to September 29, 2001, and that the Plaintiff was a member of a particular street gang at the time of the September 29, 2001, incident. Such evidence, if believed, may not be considered by you to prove that Plaintiff is a person of bad character or that he has a disposition to commit crimes. Such evidence was received and may be considered by you only for the limited purpose of determining if it tends to show:

- The identity of the person who committed the crimes of which the Plaintiff was previously charged and convicted;
- The existence or nonexistence of a bias or interest of any witness;
- The motive of the person who committed the crimes charged; and
- The existence or nonexistence of probable cause to believe Plaintiff had committed the crimes of which he was previously charged and convicted.

You may also consider this evidence when you evaluate the credibility or believability of a witness and when you consider the facts and information relied upon by Detective Ulley and Detective Vander Horck during their investigation of the September 29, 2001, incident and any subsequent interactions by those Detectives with the Court and/or District Attorney. For the limited purpose of which you may consider such evidence, you must weigh it in the same manner as you do all other evidence in the case. You are not permitted to consider such evidence for any other purpose.

Authority: Judicial Council of California, Bench Handbook: Managing Gang-Related Cases, Section 4.7 (2019), as modified; *People v. Contreras*, 144 Cal.App.3d 749, 755 n2 (1983); CALCRIM 1403, as modified.